THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 21258 of 2004

Date: 16.09.2005

Between:

S.Prabhakar, s/o. Ramachandraiah,

Police Constable, r/o. D.No. S/7-609, S.A.P.Camp,

Kurnool

…Petitioner

and

1)The Superintendent of Police, Kurnool,

Kurnool district & 2 others

…Respondents

ORDER:

Challenging the action of the respondents 2 and 3 in summoning the petitioner to the office of the first respondent and obtaining his signatures on the promissory note and blank white paper and detaining him and for consequential direction to the respondents 2 and 3 to return the promissory note and blank signed papers to him, the present Writ Petition is filed.

The second respondent filed a detailed Counter Affidavit stating that the respondents never called the petitioner to the office of the first respondent at any time as alleged by him and they have not obtained signatures on any promissory note for Rs. 50,000/- on 18.10.2004.

The learned counsel for the petitioner contended that a suit is filed basing on the promissory note, which contained the same date as alleged, and it is pending.

Whether the promissory note was obtained from the petitioner forcibly by the respondents 2 and 3 is a question of fact and can not be decided and determined in this Court. Since the allegation of the petitioner has been specifically denied, the same can not be entertained and decided by this Court.

The Writ Petition is devoid of merits and is, accordingly, dismissed. No costs.

(K.C.Bhanu, J.)

16.09.2005

DRK